



#3

PATENT
USSN 07/990,854
Atty Docket 92032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

PAUL V. DARBEE, DON G. DU PERAULT,
QIUJU LUO and KIMTHOA NGUYEN

For: KEY MOVER

Serial No. 07/990,854

Filed: December 11, 1992

)
)
) Group Art Unit:
) Unknown
)
) Examiner:
) Unknown
)
) Attn: Pat Hackley
) Application Branch

DECLARATION OF THOMAS R. VIGIL, PETITION UNDER
37 CFR 1.53(b) TO ACCORD EARLY FILING DATE AND LETTER
IN RESPONSE TO NOTICE TO FILE MISSING PARTS UNDER 37 CFR 1.63
AND TO ERRONEOUS NOTICE OF INCOMPLETE APPLICATION

TO:

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

In response to the Notice To File Missing Parts of Application and Notice of Incomplete Application, both mailed January 19, 1993 (copies enclosed), applicant hereby petitions the Office under 37 CFR 1.53(b) to accord this application the filing date originally given, i.e. U.S. Application Serial No. 07/990,854 on December 11, 1992.

1. The originally submitted papers for this application were filed on December 11, 1992 by mailing same by U.S. Express Mail on that date pursuant to the "Express Mail Post Office To Addressee" procedure under 37 CFR 1.10.

2. At the time of the original submission, a copy of an unexecuted Combined Declaration for Patent Application and Power of Attorney containing the names and addresses of the inventors was enclosed, located at the end of the specification, claims and Abstract of the Disclosure. A copy of that Combined Declaration for Patent Application and Power of Attorney is enclosed showing the inventors to be PAUL V. DARBEE, DON G. DU PERAULT, QIUJU LUO and KIMTHOA NGUYEN.

3. Applicant's attorney, Thomas R. Vigil, hereby declares that he inspected the application papers filed to make certain that a copy of the unsigned Combined Declaration for Patent Application and Power of Attorney was included in the application papers filed and that the copy enclosed herewith was made from the copy in his file of the application papers.

4. Applicant's attorney submits that upon an inspection of the application papers filed, this Combination Declaration for Patent Application and Power of Attorney will be found in the Office file.

5. For the foregoing reasons, applicant herein petitions, in accordance with 37 CFR 1.53(b), for the according of the filing date of the original papers submitted on December 11, 1992 to this application.

6. Since the originally filed application papers included a copy of an unsigned Combination Declaration for Patent Application and Power of Attorney which listed the names, addresses and citizenships of the inventors, applicant submits that the petition be granted without payment of any fee under 37 CFR 1.17(i)(1) or that the Notice of Incomplete application be withdrawn.

7. If any fee is required such as the \$130.00 fee called for in 37 CFR 1.17(i)(1), please charge same to Deposit Account No. 22-0355 and institute a petition for refund to Deposit Account No. 22-0335 on the grounds that the names of the inventors were set forth in the application papers filed.

8. In response to the Notice to File Missing Parts of Application (copy enclosed) mailed on January 19, 1993, applicants are hereby filing the enclosed documents and submitting the enclosed checks to complete the above-identified application:

A. A Declaration signed by the inventors, PAUL V. DARBEE, DON G. DU PERAULT, QIUJU LUO and KIMTHOA NGUYEN.

B. A check in the amount of \$420.00 representing \$355.00 for the Government filing fee for the subject application and representing \$65.00 for the Government surcharge for a small entity for the late filing of the above identified executed

Declaration under 37 CFR 1.16(e).

C. A Small Entity Declaration executed by the inventors, PAUL V. DARBEE, DON G. DU PERAULT, QIUJU LUO and KIMTHOA NGU'EN.

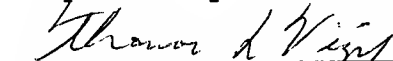
D. A Small Entity Declaration executed by Thomas C. Tyler, President of the Assignee, Universal Electronics Inc.

E. By separate letter to the Office, applicants are submitting an Assignment from the inventors, Paul V. Darbee and Frank A. O'Donnell, to Universal Electronics Inc., along with a request that the recordal fee of \$40.00 be charged to our Deposit Account No. 22-0355.

9. The Commissioner is hereby authorized to credit any overpayment or charge any additional fees required under 37 CFR 1.17, 37 CFR 1.21(k) or 37 CFR 1.18 to our Deposit Account No. 22-0355.

10. I hereby declare under penalty of perjury under the laws of the United States of America that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Respectfully submitted,



Thomas R. Vigil
Reg. No. 24,542

Dated:
February 11, 1993

836 South Northwest Highway
Barrington, Illinois 60010
(708) 382-6500



355.0020
65.00205

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER 07/990,854	FILING DATE 12/11/92	FIRST NAMED APPLICANT DARBEE	ATTY. DOCKET NO. 92032
-----------------------------	-------------------------	---------------------------------	---------------------------

QC
#12

VASIL & HANRATH
936 SOUTH NORTHWEST HWY.
BARRINGTON, IL 60010-4683

RECEIVED

MAR 10 1993

0000 APPLICATION DIVISION

DATE MAILED:

01/15/93

**NOTICE TO FILE MISSING PARTS OF APPLICATION—
NO FILING DATE**

(Attachment to Form PTO-1123)

In order to avoid payment by applicant of the surcharge required if items 1 and 3-6 are filed after the filing date the following items are also brought to applicant's attention at this time.

If all missing parts of this form and on the "Notice of Incomplete Application" are filed together, the total amount owed by applicant as a ☒ large entity ☐ small entity (verified statement filed) is \$ 710.00.

1. ☒ The statutory basic filing fee is: ☒ missing ☐ insufficient. Applicant as a ☒ large entity ☐ small entity must submit \$ 710.00 to complete the basic filing fee and MUST ALSO SUBMIT THE SURCHARGE, IF REQUIRED, AS INDICATED BELOW.
2. ☐ Additional claim fees of \$_____ as a ☐ large entity, ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. NO SURCHARGE IS REQUIRED FOR THIS ITEM.
3. ☐ The oath or declaration:
☐ is missing.
☐ does not cover items required on the "Notice of Incomplete Application".
An oath or declaration in compliance with 37 CFR 1.63, referring to the above Serial Number and Receipt Date is required. A SURCHARGE, IF REQUIRED, MUST ALSO BE SUBMITTED AS INDICATED BELOW.
4. ☐ The oath or declaration does not identify the application to which it applies. An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Serial Number and Receipt Date is required. A SURCHARGE, IF REQUIRED, MUST ALSO BE SUBMITTED AS INDICATED BELOW.
5. ☐ The signature to the oath or declaration is: ☐ missing; ☐ a reproduction; ☐ by a person other than the inventor or a person qualified under 37 CFR 1.42, 1.43, or 1.47. A properly signed oath or declaration in compliance with 37 CFR 1.63, referring to the above Serial Number and Receipt Date is required. A SURCHARGE, MUST ALSO BE SUBMITTED AS INDICATED BELOW.
6. ☐ The signature of the following joint inventor(s) is missing from the oath or declaration:
_____. Applicant(s) should provide, if possible, an oath or declaration signed by the omitted inventor(s), identifying this application by the above Serial Number and Receipt Date. A SURCHARGE, IF REQUIRED, MUST ALSO BE SUBMITTED AS INDICATED BELOW.
7. ☐ A \$20.00 processing fee is required for returned checks. (37 CFR 1.21(m)).

8. ☐ Other:

4,3012

4,6512

Required items 1-7 above SHOULD be filed, if possible, with any items required on the "Notice of Incomplete Application" enclosed with this form. If concurrent filing of all required items is not possible, items 1-7 above must be filed no later than two months from the filing date of this application. The filing date will be the date of receipt of the items required on the "Notice of Incomplete Application." If items 1 and 3-6 above are submitted after the filing date, THE PAYMENT OF A SURCHARGE OF \$110.00 for large entities, or \$55.00 for small entities who have filed a verified statement claiming such status, is required. (37 CFR 1.16(e)).

Applicant must file all the required items 1-7 indicated above within two months from any filing date granted to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

Direct the response to, and any questions about, this notice to the undersigned, Attention: Application Branch.

A copy of this notice MUST be returned with response.

For: Manager, Application Branch
(703) 557-3254 308-1202

FORM PTO-1532 (REV. 7-87)

For Office Use Only

<input type="checkbox"/> 102	<input type="checkbox"/> 202
<input type="checkbox"/> 103	<input type="checkbox"/> 203
<input type="checkbox"/> 104	<input type="checkbox"/> 204
<input type="checkbox"/> 105	<input type="checkbox"/> 205

COPY TO BE RETURNED WITH RESPONSE



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
---------------	-------------	-----------------------	------------------

07/990,854 12/11/92 DARBEE

F 92032

VIGIL & HANRATH
936 SOUTH NORTHWEST HWY.
BARRINGTON, IL 60010-4683

0000

DATE MAILED:

01/15/93

Notice of Incomplete Application

A filing date has NOT been assigned to the above identified application papers for the reason(s) shown below.

1. ☐ The specification (description and claims):

- a. ☐ is missing
- b. ☐ has pages _____ missing.
- c. ☐ does not include a written description of the invention.
- d. ☐ does not include at least one claim in compliance with 35 U.S.C. 112.

A complete specification in compliance with 35 U.S.C. 112 is required.

2. ☐ A drawing of Figure(s) _____ described in the specification is required in compliance with 35 U.S.C. 111.

3. ☐ A drawing of applicant's invention is required since it is necessary for the understanding of the subject matter of the invention in compliance with 35 U.S.C. 113.

4. ☒ The inventor's name(s) is missing. The full names of all inventors are required in compliance with 37 CFR 1.41.

5. ☐ Other:

\$130.00

All of the above-noted omissions, unless otherwise indicated, must be submitted within TWO MONTHS of the date of this notice or the application will be returned or otherwise disposed of. Any fee which has been submitted will be refunded less a ~~\$15.00~~ handling fee. See 37 CFR 1.53(c).

The filing date will be the date of receipt of all the items required above, unless otherwise indicated. Any assertions that the items required above were submitted, or are not necessary for a filing date, must be by way of a petition directed to the attention of the Office of the Assistant Commissioner for Patents accompanied by the ~~\$140.00~~ petition fee (37 CFR 1.17(h)). If the petition alleges that no defect exists, a request for refund of the petition fee may be included in the petition.

\$130.00

Direct the response to, and questions about, this notice to the undersigned, Attention: Application Branch.

A copy of this notice MUST be returned with response.

Enclosed:

- ☐ "General Information Concerning Patents". See page _____.
- ☐ Copy of a patent to assist applicant in making corrections.
- ☐ "Notice to File Missing Parts of Application", Form PTO-1532.
- ☐ Other: _____

[Signature]

For: Manager, Application Branch
(703) 557-9254 306-1202



PATENT
USSN 07/990,854
Atty Docket 92032

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
PAUL V. DARBEE, DON G. DU PERAULT,)	Group Art Unit:
QIUJU LUO and KIMTHOA NGUYEN)	Unknown
)	
For: KEY MOVER)	Examiner:
)	Unknown
Serial No. 07/990,854)	
)	
Filed: December 11, 1992)	

CERTIFICATE OF EXPRESS MAIL DEPOSIT

I hereby certify that this correspondence is being deposited with the United States Postal Service - Express Mail Post Office to Addressee, RB 884675517 US, in an envelope addressed: Commissioner of Patents and Trademarks, Washington, DC 20231, on February 11, 1993.

Thomas R. Vigil

(Typed or printed name of person mailing fee or paper)

Thomas R. Vigil

(Signature of person mailing paper or fee)

The documents enclosed with and being filed with this paper are:

1. DECLARATION OF THOMAS R. VIGIL, PETITION UNDER 37 CFR 1.53(b) TO ACCORD EARLY FILING DATE AND LETTER IN RESPONSE TO NOTICE TO FILE MISSING PARTS UNDER 37 CFR 1.63 AND IN RESPONSE TO ERRONEOUS NOTICE OF INCOMPLETE APPLICATION and attachments thereto.
2. COPY OF NOTICE OF INCOMPLETE APPLICATION AND NOTICE TO FILE MISSING PARTS OF APPLICATION -- NO FILING DATE.
3. ORIGINAL COMBINATION DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY.
4. ORIGINAL VERIFIED STATEMENTS FOR SMALL ENTITY OF INVENTORS AND SMALL BUSINESS CONCERN.